761551N25A-SH-AD-32A (1/96)hmr

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: July 1, 1999

OFFICE CORRESPONDENCE FILE NO. I.A.B. 1246521

FROM: DENNIS H. BURNS, CAPTAIN
INTERNAL AFFAIRS BUREAU

TO: JOHN A. HAMMARGREN, COMMANDER
PROFESSIONAL STANDARDS
AND TRAINING DIVISION
DEPARTMENT REVIEW COMMITTEE

SUBJECT: ADMINISTRATIVE INCIDENT SUMMARY

This information is being forwarded to you to ascertain adherence to policy and procedure, tactical considerations, and training needs assessment.

DHB:hmr

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

HIT SHOOTING EVALUATION

UNIT: East Los Angeles

DATE: February 23, 1999

TIME: 1855 hours

LOCATION: [redacted] E. Hubbard Street, East Los Angeles

URN #: 099-02571-0286-056

IAB #: SH 1246521

NATURE OF INCIDENT: Deputies responded to an attempt suicide call and were confronted with an armed suspect in his front yard. Deputies ordered the suspect to drop his knives. They deployed less lethal weapons. The suspect reacted by yelling at the deputies to kill him. He then threw one knife at a group of deputies causing several deputies to fire several rounds fatally injuring the suspect.

COMPLETED BY: Henry M. Romero

Internal Affairs Bureau

DATE: July 1, 1999

Los A[illegible]eles County Sheriff's Dep[illegible]ment

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
2/23/99	East Los Angeles Station	☐	☒

Incident Information

URN: 099-02571-0286-056	Date: 2/23/99 Time: 1900
City or Station: East Los Angeles	Nature of Incident: Deputies respond to 902A call and are confronted with the armed suspect in his front yard. Deputies order the suspect to drop the knives. Suspect yells at deputies to kill him and throws one knife at a group of deputies, deputies fired several rounds striking the suspect.
Location: [redacted] Hubbard Street	

Location Type (circle one or more): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **(Residence)** [circled], Rural, School, Street, Other: front yard

Lighting (circle only one): Darkness, Daylight, Other, **(Street Lights)** [circled]

Weather (circle only one): **(Clear)** [circled], Cloudy, Fog, Rain

Distance:

Incident Type (circle one or more): Accidental, **(Armed Person)** [circled], Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other:

Initiated by (circle only one): Arrest Warrant, **(Call)** [circled], Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, Other, **(Routine Patrol)** [circled]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Ruiz	Robert		EM **(PM)** Day	**(Regular)** Overtime Off Duty
[redacted]	Romero	Cesar		EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]			[redacted]	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more)
[redacted]	Berardi	Robert		**(On Duty)**, Present during shooting, Witness to shooting, **(Involved in shooting)**
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Boyett	Craig	A

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Coffman	James	R

PSTD Use Only

SH # 1246521

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 099-02571-0286-056

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
2/23/99	2115	12/10/98	

Employee #	Last Name	First	M.I
	Glover	Willa	
[redacted]	Romero	Henry	
	Ward	Anthony	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E#1	OE					NN	
E#1	S	FH	BR	9	Y	Y	GS	
E#2	S	FH	BR	9	Y	Y	GS	
E#3	S	FH	BR	9	Y	Y	GS	
E#4	S	FH	BR	9	Y	Y	GS	
E#5	S	FH	BR	9	Y	Y	GS	
E#6	S	FH	BR	9	Y	Y	GS	
E#7	S	FH	BR	9	Y	Y	GS	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 099-02571-0286-056

Involved Employee

E 1

Employee # [redacted]	Last Name Guerrero	First Name John	M.I.
Sex: M Race: H	Rank DSG	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 23A
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Dat[redacted]	PPC Qualification Date: [redacted]	Laser Training [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: H	Rank DSG	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 23A
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 3

Employee # [redacted]	Last Name Brookwell	First Name Andrew	M.I.
Sex: M Race: W	Rank DSG	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 23A
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 099-02571-0286-056

Involved Employee

E 4

Employee # [redacted]	Last Name: Moon	First Name: Larry	M.I.
Sex: M Race: H	Rank: B-1	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 24
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # / Interviewed? [ ]
Hrs of sleep prior to shooting: / Age: Height: Weight:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Range Qualification D[redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [X] / Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 5

Employee # [redacted]	Last Name: Lachasse	First Name: Dean	M.I.
Sex: M Race: W	Rank: DSG	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 24
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # / Interviewed? [ ]
Hrs of sleep prior to shooting: / Age: Height: Weight:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Range Qualification D[redacted]	PPC Qualification D[redacted]	Laser Training [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Uni[redacted]	Prior Shootings?[redacted] / Number of Prior Shoo[redacted]
Field Training Officer Emp #[redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 6

Employee # [redacted]	Last Name: Alvarez	First Name: Edwin	M.I.
Sex: M Race: H	Rank: B-1	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 23
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # / Interviewed? [ ]
Hrs of sleep prior to shooting: / Age: Height: Weight:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Range Qualification Date[redacted]	PPC Qualification Date: [redacted]	Laser Training Date[redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings[redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 099-02571-0286-056

Suspect Information

S 1

Last Name: Close	First Name: Juan	M.I.: R
AKA Last Name:	First Name: "Ricky"	M.I.:

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: N/A	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: 35 D.O.B. 06-06-63	Height: 504 Weight: 125	FBI #	CII #
Booking # N/A	Primary Charge: N/A	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 99-01417	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☒
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code: 90706
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY

Tuesday, February 23, 1999, Sergeant's **Henry Romero and Anthony Ward** and Lieutenant **Willa Glover** of the Internal Affairs Bureau, responded to the unincorporated area of East Los Angeles to investigate an officer involved shooting by East Los Angeles Station personnel resulting in the suspect's death. Homicide Lieutenant **Don Bear** briefed the responding personnel. This review of the incident is based on the briefing, witness interviews, shooter deputy interviews, 911 tape, and related reports **(099-02751-0286-056)** contained in this use of force review.

SYNOPSIS OF INCIDENT

Deputies responded to the location regarding "an attempt suicide call." Before the deputies arrived, they received additional information stating the "man was attempting to kill himself with a knife and had locked himself in the bathroom." The informant was the suspect's [redacted] Deputies encountered the armed, injured suspect and attempted to disarm him by using less lethal tools. The subject escalated the encounter by assaulting the deputies with a knife. The deputies responded with deadly force fatally wounding the suspect.

SUSPECT

Juan Ricardo Close (DOB - 6/05/63) was a five-feet six-inch, one-hundred and twenty-eight pound male, who was despondent (under the influence of his emotions) over the loss of his employment and his perceived inability to provide for his family. On the day of the incident he was attempting suicide by cutting his neck and wrist with a kitchen knife. **Close** [redacted] was not under the influence of alcohol or drugs on the day of the incident.

DEPUTIES

Name	Emp.#	Date of Hire	Other Patrol Stations	Arrived at ELA	# of previous OIS	Rounds Fired from Berreta	Rounds Fired from Beanbag
BROOKWELL, Andrew	[redacted]	[redacted]	[redacted]	9/96	[redacted]	3	
GUERRERO, John	[redacted]	[redacted]	[redacted]	2/98		10	
[redacted]	[redacted]	[redacted]	[redacted]	11/97		11	7
ALVAREZ, Edwin	[redacted]	[redacted]	[redacted]	5/95		6	
MOON, Larry	[redacted]	[redacted]	[redacted]	2/90		2	
LACHASSE, Dean	[redacted]	[redacted]	[redacted]	11/98		1	
BERARDI, Robert	[redacted]	[redacted]	[redacted]	4/97		5	

PRELUDE TO THE SHOOTING INCIDENT

Tuesday, February 23, 1999, at 1830 hours, Informant/Witness [redacted] (FH/DOB - [redacted], [redacted]), the suspect's [redacted], arrived home from work. She entered her home hoping her [redacted], the suspect, had picked up their daughter from day care, according to their discussion earlier that afternoon. When she entered her home, the house was quiet. She believed her [redacted] and their daughter were hiding, as this was a common game played between them, so she began searching for them. However, when she entered the hallway, she noticed the bathroom door was closed and the carpet in front of the bathroom was soaked in water. She tried opening the door, but it was locked. She knocked, calling out her [redacted]'s name, but received no response. She continued knocking, calling out her [redacted]'s name and inquiring about their daughter. Suspect **Close** finally opened the door revealing a bleeding cut on the left side of his neck. Additionally, he was holding a kitchen knife with about a six-inch blade. He appeared to have been crying as evidenced by his red eyes.

She asked him what was wrong and he replied he was out of work and did not know what to do about his inability to contribute to the family finances. She tried assuring him their financial situation was fine, however, he appeared extremely depressed and again closed the bathroom door. This frightened Witness [redacted] so she dialed 911 to request for paramedics to respond to her residence.

At 1850 hours East Los Angeles Station desk personnel received a 9-1-1 call from Witness [redacted]. She reported that her [redacted] had barricaded himself in the bathroom and was killing himself by sticking a knife into his neck. The East Los Angeles Station 911 operator transferred the call to the Los Angeles County Fire and Paramedics 911 operator. Both Departments dispatched personnel to the location. The East Los Angeles Station 911 operator sent the call as "an attempt suicide call," with a further update stating the suspect was attempting to kill himself with a knife and was barricaded in the bathroom. Fire dispatched the call as a psychological rescue with an update to be careful because the patient had a knife.

East Los Angeles Units 24 (Deputies **Brookwell** and **Romero** #[redacted]), 25B (Deputies **Wellendorf** #[redacted] and **Bright** #[redacted]), and 20S (Sergeant **Berardi**) all acknowledged the call. Unit 25B immediately advised Sheriff's Communication Center (SCC) their response would be delayed as they were [redacted]. Unit 23A (Deputies [redacted] and **Guerrero**) was a few blocks west of the location so they assigned themselves to the call and advised the handling unit, who was coordinating the responding units to the call, that they were also en route.

Unit 24, who was a few blocks east of the location, advised Unit 23A that it appeared they would be arriving simultaneously. Additionally, Deputy **Brookwell** inquired whether they had a stun bag shotgun available. When Unit 23 replied affirmatively, he asked them to arm themselves with it in case they needed it.

> **I.A.B. Note:** The stun bag shotgun is a regular 12-gauge shotgun with a stock painted yellow that distinguishes it from the regular shotgun, which has a brown wooden stock. It deploys a blue 1¾"x1¾" beanbag, filled with pellets, from a 12-gauge shotgun shell. The velocity of the beanbag is 170 ft/sec.

Unit 24 arrived first. **Brookwell** parked his marked black and white along the north curb line two houses east of the location. While waiting for the second unit, **Brookwell** asked East Los Angeles Station desk personnel to call the informant back and ask her to step outside. After a few attempts, desk personnel said someone kept hanging up the phone inside the location, therefore they were unable

to speak to anyone. **Guerrero**, who was driving Unit 23A, drove past the location and parked along the south curb line stopped his radio car about one house east of the location. As **Brookwell**, **Romero**, **Guerrero** and [redacted] exited their radio cars, they heard a woman yelling frantically. None of the deputies could discern what was being said, however, they believed the frantic sounding voice was coming from the location of the incident so they began walking toward the house. [redacted] went to the trunk of his radio car, retrieved the stun bag shotgun, loaded a round into the chamber and joined the other deputies. The deputies took cover behind two cars parked directly in front of the house. Suddenly, Witness [redacted] exited her home and stood on the stoop in front of her home as she spoke, in Spanish, to someone within her home. Both **Guerrero** and **Romero** speak fluent Spanish and they asked Witness [redacted] to walk toward them. Witness [redacted] complied. Deputy **Romero** took her and led her east away from the location. The remaining three deputies, **Guerrero,** [redacted] and **Brookwell,** through the front curtains of the home, could see the suspect pacing inside. The suspect suddenly walked outside, and from the front stoop, began yelling at the deputies. The three deputies could see the suspect bleeding from cuts to his neck and wrist. The deputies could see the suspect holding a large butcher knife in his right hand and two or three smaller kitchen knives in his left hand. They began issuing commands to him, in both Spanish and English, to drop the knives.

I.A.B. Note: The items in the left hand turned out to be a nine-inch steak knife and a pair of large scissors. The knife in his right hand had an eight-inch blade and an overall length of thirteen inches.

SHOOTING INCIDENT

Deputy **Brookwell** continued giving the suspect commands, in English, to drop the knives. The suspect did not comply, nevertheless, he walked down from the front stoop and onto the walkway that led from the house to the sidewalk. Deputy **Guerrero** gave the same commands in Spanish. The suspect finally responded verbally, in Spanish, by accusing **Guerrero** and the other deputies of being there to hurt him. He told **Guerrero** he was not going to drop the knives because he wanted to kill himself. **Guerrero** reassured him they were there to help him, however, they needed him to drop the knives. Meanwhile, Witness [redacted], who was with Deputy **Romero**, just east of the location, also yelled at her [redacted] to drop the knives. The suspect however, did not comply. The suspect appeared agitated by the entire incident as evidenced by the fact he began waving the knives around as he began walking toward the open chain link gate.

Upon seeing the suspect closing the gap between them, Deputy **Brookwell** told Deputy [redacted] to deploy the stun bag shotgun. Deputy [redacted] who was standing in the street next to the left front section of the first parked vehicle, fired three stun bag shots at the suspect. He directed his shots at the suspect's upper torso, however, they did not affect the suspect. [redacted] fired the fourth stun bag. This one affected the suspect as it sent him down to his knees. Still, the suspect retained possession of the knives.

When the suspect stood up, **Guerrero** again attempted to gain the suspect's cooperation by asking him to drop the knives. The suspect responded by telling **Guerrero**, "If you guys don't kill me, I am going to kill you." Witness [redacted] continued yelling at her [redacted] to drop the knives but the suspect did not comply even with his [redacted]'s request. Upon seeing the suspect's reaction to the stun bags, **Brookwell** decided they needed another less lethal device with more knockdown power, so he requested, over his radio, for Sergeant **Berardi** to respond to their location, code three (lights and sirens), with the ARWEN (*A*nti *R*iot *W*eapon *EN*field) he carried in his car. **Berardi** acknowledged the request stating he was right down the street and responding.

I.A.B. Note: The ARWEN deploys a four inch rubber baton at a speed of 250 ft/sec and delivers more kinetic energy than the beanbag round.

By this time, Unit 22A, Deputies Larry **Moon** and Dean **Lachasse** arrived on scene and parked their vehicle west of the location. They could see the suspect standing in the yard waving knives at the other deputies while the deputies were trying to garner the suspect's compliance by asking him to drop the knives. Upon seeing them, Deputy [redacted] left the cover of the vehicle and approached them to ascertain whether they had another stun bag shotgun available. They said they did not, however, **Lachasse** said he had stun bag rounds in his radio car so he took possession of the stun bag shotgun from [redacted] ran back to his car, and loaded the shotgun with four fresh stun bag rounds. He returned the stun bag shotgun to [redacted] who returned to his original position of cover behind the parked car. Deputies **Moon** and **Lachasse** stood near the middle of the street, almost directly across from the open chain link gate, with their guns drawn. **Moon** also began yelling at the suspect to drop the knives.

Unit 23, Deputies Edwin **Alvarez** and Richard **Ruiz** #[redacted], arrived on scene as this stun bag shotgun transaction between the deputies was occurring. They also parked west of the location and observed the suspect standing in the yard waving the knives at the other deputies. They also noticed the other deputies attempting to gain the suspect's compliance by telling him to drop the knives. But the suspect did not comply. **Alvarez** walked to the rear of his radio car and began communicating with Sergeant **Berardi,** via his hand-held radio. He told **Berardi** they had a suspect with a knife, everyone had their guns drawn, and they were ordering the suspect to drop the knife. **Berardi** acknowledged the information and advised **Alvarez** he needed someone to get the ARWEN out of the trunk of his car the minute he arrived.

Meanwhile, Deputy [redacted] continued to cover the suspect with the stun bag shotgun as the suspect continued waving the knives menacingly at the deputies from within the yard. The suspect failed to heed the deputies' request to drop the knives. When the suspect started advancing toward them again, [redacted] deployed two more stun bag rounds that did not appear to affect the suspect. [redacted] fired two more stun bag rounds and these two rounds knocked the suspect down onto his buttocks. However, the suspect continued to maintain control of the knives. [redacted] believing he no longer had any more stun bag rounds, retrieved his oleoresin capsicum (O.C.) spray and deployed it at the suspect while the suspect was still down. [redacted] closed the distance between the suspect and himself by walking in front of the parked car, to increase the effective range of the spray. The spray, however, seemed ineffective because the suspect stood up more enraged and began screaming, "kill me."

I.A.B. Note: Most of the deputy witnesses recalled [redacted] firing a second volley of four stun bag rounds, however, physical evidence at the scene suggests he only fired three rounds the second time. The stun bag shotgun was checked after the incident and it still had one live stun bag round in the chamber. Additionally, only seven expended shotgun rounds, seven stun bags and seven shotgun shell waddings were located at the scene.

I.A.B. Note: The coroner's office did not find any O.C. spray on the suspect's face. The effective range is less than ten feet. [redacted] was about fifteen feet away from the suspect when he deployed the spray.

Sergeant **Berardi** arrived seconds before [redacted] began deploying the stun bag, unbeknownst to him, for the second time. Deputies **Alvarez** and **Ruiz,** who were attempting to retrieve the ARWEN form the

trunk of the sergeant's car, heard the deployment of the stun bag shotgun so both abandoned their task of retrieving the ARWEN.

Suspect **Close**, after being shot with a second volley of stun bag rounds, stood up and screamed "kill me." He took the large knife he had in his right hand, turned it around so he was now grasping the blade of the knife, and raised his arm up as if he were winding up to throw the knife. His eyes seemed to be fixated on Deputy **Guerrero** who was the deputy speaking Spanish to him. All the deputies believed the suspect was about to throw the large knife at either Deputy [redacted] or **Guerrero**. **Guerrero,** fearing for his personnel safety began discharging his firearm at the suspect. **Brookwell,** who was next to **Guerrero** also felt his personal safety threatened so he discharged his firearm at the suspect. Deputies [redacted] **Lachasse, Moon, Alvarez** and Sergeant **Berardi** all feared the suspect was attempting to kill a deputy sheriff so they fired their weapons in defense of **Guerrero,** [redacted] and **Brookwell**. Although the deputies began firing at the suspect just before he threw the knife, he completed the throw narrowly missing Deputy **Guerrero**. The suspect threw the knife with such force it caromed off the windshield of the parked car, landing on the sidewalk across the street, approximately fifty feet from the suspect.

The suspect was struck several times by the gunfire. However, when he fell, he maintained possession of the knife and scissors in his left hand. Deputies tactically approached the suspect, removed the remaining weapons and handcuffed him. Paramedics, who were already on the scene, were called up, to give the suspect medical attention. They administered CPR and transported the suspect to Los Angeles County Medical Center where he succumbed to his injuries. Dr. Eckstein pronounced him dead at 1942 hours.

WITNESS INTERVIEWS

Regarding this incident, investigators interviewed a total of 85 people: seven deputy sheriff's who fired their weapons, two deputy sheriff's who witnessed the incident, six Los Angeles County Fire and Paramedic personnel, one ambulance driver and sixty-nine civilian witnesses, which included the suspect's [redacted]

Los Angeles County Paramedic Unit, Squad #3, arrived simultaneously with the first two radio cars but the three paramedics in the squad remained at the corner of Eastmont Avenue and Hubbard Street where they witnessed the entire incident. The three paramedics saw the suspect with knives in his hands and heard the deputies tell Suspect **Close** to put down the knives. They saw Deputy [redacted] fire two volleys of stun bags at the suspect. Although the suspect reacted to the stun bags, he maintained possession of the knives. Finally, two of the three paramedics saw the suspect make a throwing motion and one actually saw Suspect **Close** throw a knife at the deputies. They all saw the deputies discharging their firearms. The other three firefighters arrived in their engine moments before the shooting. Two witnessed the deputies firing their handguns at the suspect but have no idea what hastened the firing. The last firefighter, who was wearing a headset to protect his hearing, was oblivious to the incident and faintly heard what he perceived to be firecrackers.

An ambulance attendant also witnessed most of the incident from his vantage point. He parked behind the paramedic squad and saw the suspect with a large knife. The deputies attempted to disarm him by deploying the stun bag shotgun. Finally, he saw the suspect throw the knife at the deputies and the deputies discharging their firearms.

Sixty-nine citizens were contacted. (This included the suspect's [redacted] however, her statements are detailed in the following paragraph.) Twenty-five witnesses did not see or hear anything and six people

refused to cooperate with investigators. That left thirty-seven who either heard or saw some part of the incident. Of those thirty-seven, only ten witnesses heard the deputies ordering the suspect to drop or throw the knife. Only six witnesses actually saw the knife or scissors and only two witnesses saw the suspect throw the knife at the deputies. Three witnesses said they saw the actual shooting and the remaining witnesses all heard the shooting. Only two of the previous witnesses saw the deployment of the stun bag shotgun. However, they mistook it for a real shotgun. Lastly, two witnesses heard Suspect Close tell the deputies, "kill me."

Mrs. [redacted] heard her [redacted] tell the deputies, "kill me." She also heard the deputies talking to Mr. **Close** asking him to put the knives down. Mrs. [redacted] also begged her [redacted] to put the knife down. Mrs. [redacted] said when she first confronted her [redacted] in the bathroom, he had one small kitchen knife. When he was backing her out of the house she noticed, in addition to the knife, he also had a pair of scissors in his other hand. She said when she saw her [redacted] outside, he was holding a bigger knife than the one she originally saw him with inside the house. She also assumed the stun bag shotgun was a real shotgun. She saw the deputies deploy it and her [redacted] reacting to it. However, he never dropped the knives. She did not see her [redacted] throw the knife nor did she see the deputies firing their weapons.

Three paramedics, the ambulance attendant, the two witness deputies and two citizens provided statements consistent with the deputies involved in the shooting. The remaining witnesses never saw a knife, however, physical evidence at the scene suggests the suspect was armed with knives and in fact threw one of them at the deputies. The witnesses' individual perceptions of the incident varied differently depending on their vantage point and when they began to view the incident. Some witnesses saw the "unarmed" suspect fall to the ground and as a result felt the shooting was unwarranted.

A couple of witnesses stated they saw Mr. **Close** put his hands behind his head, as if giving up, but these accounts were not consistent with other witness statements and/or physical evidence.

> **I.A.B. Note:** Individual summaries of witnesses' names and statements can be found in the Homicide book (Exhibit E).

INJURIES

None of the deputies sustained any injuries. The suspect sustained fifteen gunshot wounds: fourteen recovered 9mm projectiles and one piece of shrapnel. The fatal round perforated the aorta and lacerated the right atrium. A second round that entered the left thigh was categorized as potentially fatal.

The suspect also had self inflicted incised wounds on both sides of his neck and on his left wrist indicative of an attempt at suicide.

The suspect also had several abrasions and contusions on his upper torso, left arm and top of the head caused by the stun bag rounds.

SUSPECT'S WEAPON

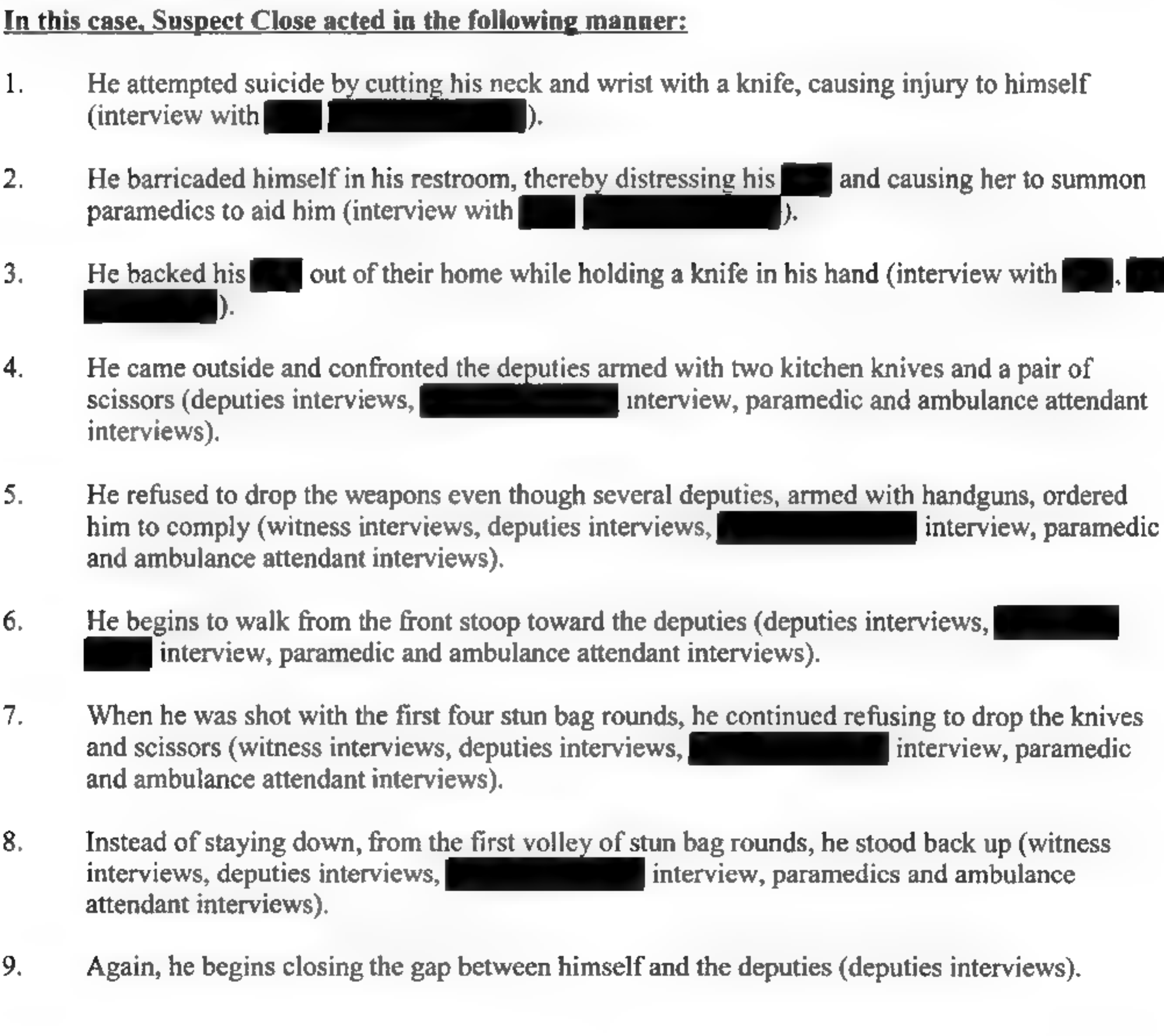
The suspect threw a large butcher knife with an approximate overall length of twelve inches. He had a second smaller nine inch steak knife and large barber scissors in his left hand.

DEPUTY'S WEAPON

Deputies who fired 9mm rounds were all armed with Department issued Beretta pistols. The stun bag shotgun deployed the Department issued stun bag rounds. All weapons were inspected by Homicide investigators to ascertain the number of rounds fired by each deputy. All weapons were also sent to the crime lab, test fired and returned to the deputies. All were in good operating condition.

INVESTIGATOR'S NOTES

In tactics terms, "Precipitous Acts" are those acts or omissions that either cause or contribute to a series of events that have expected consequences or outcomes. For example, "Non-Compliant Behavior" on the part of a person to be detained or arrested will many times increase the probability of an "Escalation of Force" by the responding law enforcement officer(s); and thus, increase the probability of injury to either the subject or the arresting officer(s).[1]



In this case, Suspect Close acted in the following manner:

1. He attempted suicide by cutting his neck and wrist with a knife, causing injury to himself (interview with [redacted]).

2. He barricaded himself in his restroom, thereby distressing his [redacted] and causing her to summon paramedics to aid him (interview with [redacted]).

3. He backed his [redacted] out of their home while holding a knife in his hand (interview with [redacted], [redacted]).

4. He came outside and confronted the deputies armed with two kitchen knives and a pair of scissors (deputies interviews, [redacted] interview, paramedic and ambulance attendant interviews).

5. He refused to drop the weapons even though several deputies, armed with handguns, ordered him to comply (witness interviews, deputies interviews, [redacted] interview, paramedic and ambulance attendant interviews).

6. He begins to walk from the front stoop toward the deputies (deputies interviews, [redacted] interview, paramedic and ambulance attendant interviews).

7. When he was shot with the first four stun bag rounds, he continued refusing to drop the knives and scissors (witness interviews, deputies interviews, [redacted] interview, paramedic and ambulance attendant interviews).

8. Instead of staying down, from the first volley of stun bag rounds, he stood back up (witness interviews, deputies interviews, [redacted] interview, paramedics and ambulance attendant interviews).

9. Again, he begins closing the gap between himself and the deputies (deputies interviews).

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[1] From Tyisha Miller – Riverside Police Department Tactical Analysis, Curtis J. Cope, Lieutenant, Huntington Beach Police Department (Retired).

10. A second volley of stun bag rounds is deployed and the suspect still refuses to drop knives although he is knocked down (witness interviews, deputies interviews, [redacted] interview, paramedics and ambulance attendant interviews).

11. Suspect begins screaming at deputies, "kill me" ([redacted] interview, witness interviews, deputies interviews).

12. Suspect throws knife at deputies (witness interviews, deputies interviews, paramedics and ambulance attendant interviews).

Deputies Actions:

Deputies were summoned to an attempt suicide call. They were additionally informed the suspect was armed with a knife and barricaded himself in his restroom. They began thinking tactically as evidenced by their coordinated response and the initial plan to avail themselves of a stun bag shotgun should the need arise to deploy it (radio traffic and deputies interviews).

They hear the [redacted] frantic remarks and remove her from the problem area. However, because the incident is very fluid and fast evolving, with the [redacted] attempting to reinsert herself in the fracas, one deputy is tasked with keeping her away. This becomes a disadvantage as the deputies receive no additional information about the situation.

They are confronted with a man, obviously despondent, and intent on killing himself. He is armed with knives and waving them around at the deputies (violation of penal code section 417(a)(1) - displaying a weapon in a rude or threatening manner). If the suspect drops the weapons, the problem is over, however, he continues to be non compliant so it continues.

The following actions by the deputies appear to demonstrate their assessment that the incident is a high risk situation that can change within seconds, to a deadly force situation. The armed deputies attempt to disarm the suspect through verbal commands and a show of force. When the suspect closes the gap by walking down from the front stoop, one deputy escalates to less lethal force, by deploying four stun bag rounds. Again, if the suspect drops the weapons, the problem is over, however, he continues to be non compliant so it continues.

Deputies recognize the need for a better less lethal weapon so they request for the ARWEN, which has more kinetic energy, therefore, more knockdown power. Before it arrives, because of the suspect's actions, closing the gap between himself and the deputies, the deputy armed with the stun bag deploys it again. Although the suspect falls, he gets back up. Had he remained down and dropped the knives, the problem would have ended. The same deputy who fired the stun bag then leaves cover, closes the gap between himself and the suspect and deploys oleoresin capsicum spray. He believes the spray reaches his target, the suspect's face, however, the suspect does not react to it.

The suspect then changes the circumstances. He escalates his force by throwing the butcher knife at the deputies. The situation went from displaying a weapon in a threatening manner to assault with a deadly weapon on a peace officer (violation of penal code section 245 (C)). The deputies responded with deadly force in defense of themselves and/or their partners.

This incident, from time of deputy arrival to the shooting situation, lasted two minutes and fifty-seven seconds. It was very fluid incident. Additionally, the circumstances were dictated by the suspect's actions since he did not comply with the deputies' orders to drop the knives.

Public's Perception
Many of the witnesses never saw a knife so their perception was that the deputies shot and killed an unarmed suspect. They also did not understand why deputies responded to the call since the informant requested paramedics. Los Angeles County Fire and Paramedics respond to psychological calls but will not make contact with the patient unless the patient is unarmed. In this case, they were informed that the suspect was armed with a knife. As has been their past practice, they waited for deputies to respond to stabilize the situation before handling the patient.

Another question by the general public was why was not the Department's Mental Evaluation Team summoned to handle the crisis instead of regular patrol deputies. Since the M.E.T. is comprised of a deputy and a civilian, they are generally summoned, by the field deputies, once the situation is stabilized and the patient is in custody. They are not tasked with handling fluid and dangerous situations.

Many of the witnesses questioned why the "obviously dead" suspect was transported to the hospital. The allegation, by the public, was that this was done to cover up misconduct. Paramedics, who were at the scene, responded to the downed suspect seconds after he was handcuffed. They found the suspect in agonal breathing. Therefore, they immediately attempted life saving measures as required by their policy.

Much of the public also did not perceive the situation as "deadly" since the suspect was "only armed with a knife." Part of this perception comes from the fact that the knife is a utensil utilized everyday by homemakers, students, husbands and even children. It is not associated with death like a firearm might be. It has many common uses and the public feels a general comfort and ease in handling this utensil that has many daily uses. This is the same problem that occurs when the suspect arms himself with common everyday articles, which when misused, can cause great bodily injury or death.

The situation could have been averted had the suspect complied with the deputies commands to drop the knife. Deputies employed less lethal tactics to resolve the situation, however, they were obviously not successful. The suspect had several opportunities to de-escalate the situation. He chose not to and the end result is a tragic one for the family, community, deputies and Department.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT MANUAL OF POLICY AND PROCEDURES, JULY 1997

3-01/025.30 Use of Firearms and Deadly Force
The Department's policy on use of firearms and deadly force is:

- Discharging a firearm at another human being is an application of deadly force and must, therefore, be objectively reasonable. Each deputy discharging a firearm must establish independent reasoning for using deadly force.

- Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others.

- Department members may use deadly force to effect the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the suspect represents a significant threat of death or serious physical injury to the member or other person(s). If feasible, members shall identify themselves and state their intention to shoot before firing at a fleeing felon.

- The use of firearms against fleeing or approaching vehicles has proven to be generally ineffective and inherently dangerous. Department members shall not fire at a moving vehicle, whether to disable the vehicle or to stop the suspect, unless they have probable cause to believe that the suspect represents an immediate threat of death or serious physical injury to the deputies or other person(s). Members shall take into account the location, vehicular and pedestrian traffic and any hazard to innocent persons before firing at a moving vehicle. Department members shall not place themselves or remain in the path of a moving vehicle.

- The firing of warning shots is inherently dangerous. They should not be fired except under the most compelling circumstances. Warning shots may be fired in an effort to stop a person only when the Department member is authorized to use deadly force, and if the member reasonably believes a warning shot can be fired safely in light of all the circumstances of the encounter.

3-01/025.00 Use Of Force

This section reinforces the Department's Core Values concerning reverence for human life.

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, or the danger to the community, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and deputy personnel have a duty to protect the lives of others.

3-01/025.10 Unreasonable Force

Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the circumstances presented to Department members at the time the force is applied. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.

Head strikes with an impact weapon are prohibited unless circumstances justify the use of deadly force.

2-06/060.20 Mental Evaluation Team (MET)

The Mental Evaluation Team (MET) has been established to assist patrol deputies with contacts involving the mentally ill, suicide attempts or gravely disabled persons. If the person qualifies under 5150 WIC, the MET unit upon arrival will relieve the patrol deputy of the individual, arrange placement and transport the individual to the identified appropriate facility. The MET deputy will prepare the "Application for Evaluation" (MH-302). The station handling deputy will prepare a brief SH-R-49, alleged mentally ill person, and book any confiscated weapons.

The MET also:

- Provides supplemental crisis intervention techniques to defuse potentially volatile situations,
- Acts as liaison to community and judicial agencies,
- Prepares appropriate documentation to assist custodial agencies in the placement of the mentally ill,
- Gives court testimony regarding the mental health or emotional stability of clients.

MET units consist of a deputy sheriff and a Department of Mental Health Clinician, who respond in unmarked Sheriff's vehicles. Each vehicle is equipped with a communications radio and a cellular telephone.

PENAL CODE SECTIONS

835a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

196. Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either --

1. In obedience to any judgment of a competent Court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

197. Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged

in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,

4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

198. A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

CASE LAW

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . The calculus of reasonableness must embody [490 U.S. 386, 397] allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.

As in other Fourth Amendment contexts, however, the "reasonableness" inquiry in an excessive force case is an objective one: the question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. See Scott v. United States, 436 U.S. 128, 137-139 (1978); see also Terry v. Ohio, supra, at 21 (in analyzing the reasonableness of a particular search or seizure . . .

GRAHAM v. CONNOR, 490 U.S. 386 (1989) 490 U.S. 386